extremity of Cranganur and in its vicinity there are a large number of rice shops, for example, in Kavil, Sringapuram, Kottappuram. There are a large number of retail and perhaps wholesale shops and rice-mills which can cater to the needs of the people there. If it is removed to some central position, that would cater to the needs of the public in a better way. The hon'ble member has not himself seen the shop.

Mr. President: The object is to supply to the shops in the vicinity.

Mr. K. M. Ibrahim *(Cranganur):* I may respectfully bring to the notice of the Hon'ble President that those shops are already getting bags and bags from Cochin and Ernakulam and it is to the people who are in the heart of the taluk that this depot is necessary.

Mr. A. Madhava Prabhu *(Diwan Peishkar):* You are not put to the least difficulty. You are in a better position now. We have to get rice through the backwaters.

Mr. K. M. Ibrahim *(Cranganur):* May I bring to the notice of the Government that the backwater is not confined to the north and south direction only and there is a bigger backwater which is lying east to west, what is called the Kanjirapuzha. The other is only the Konoli canal. The Hon'ble Member said that the depot is near the backwater. It is a misstatement.

Mr. Ismail Hajee Issa Sait *(Mattancheri):* May I know whether any complaints have been received from the Cranganur Magistrate for not getting rice for the public?

Mr. A. Madhava Prabhu *(Diwan Peishkar):* Not received.

Mr. Ismail Hajee Essa Sait *(Mattancheri):* How many depots were opened in Cranganur?

Mr. A. Madhava Prabhu *(Diwan Peishkar):* Only one.

Mr. M. K. Devassy *(Adur):* Has the Government any method of finding out whether there is rice?

Mr. President: It does not arise out of this question.

Mr. Ismail Hajee Essa Sait *(Mattancheri):* May I know whether the Government has issued any order to sell out at certain hours a day?

Mr. President: That also does not arise from this question.

STARTING OF GOVERNMENT RICE DEPOTS—EFFECT ON THE MARKETS

17. Mr. V. K. Bhaskara Menon *(Cranganur):* Will Government be pleased to state whether they are aware that the market rate per bag of rice rose as soon as Government started a depot there; and if the answer is in the affirmative, will Government kindly state the reasons for this?

Mr. A. Madhava Prabhu *(Diwan Peishkar):* No. On the other hand the starting of Government depots had a stabilising effect on the market.

ADJOURNMENT OF SALES OF IMMOVEABLE PROPERTIES— CIRCULAR REGARDING

18. Mr. C. V. Iyyu *(Kunnamkulam):* Will Government be pleased to state.—

(*a*) whether Government or High Court has given any instructions to the lower courts to adjourn sale of immoveable properties if the judgment-debtor deposits in advance in cash the interest at 6 per cent of the total decree debt for the period for which the sale is adjourned in addition to the day cost;

(*b*) if not, will Government be pleased to advise the High Court that instructions as suggested in the sub-division (*a*) be issued to the lower courts?

Mr. M. Sivarama Menon *(Advocate-General):*

(*a*) The High Court has not given any such instructions.

(*b*) No such instructions are necessary in view of the existing powers the courts possess under the law.

Mr. C. V. Iyyu *(Kunnamkulam):* So a court can adjourn sales provided 6 per cent interest is paid in advance for the period of sale?

Mr. M. Sivarama Menon *(Advocate-General):* No emphasis can be laid on the 6 per cent. If a reasonable amount is paid up, the courts have got discretion to adjourn sales. For the information of the hon'ble member I shall read the instructions contained in a circular issued by the High Court:

> "It has come to the notice of the judges that there is apprehension on the part of the litigant public that the instructions contained in Civil Circular No. 2 of 1109 are not being followed by some of the subordinate courts in the spirit in which that circular was conceived. If this is true, it is extremely regrettable. Three matters of grievance were brought to the prominent notice of the Government by the non-official members during the last Budget Session of the Legislative Council. They are (1) sales of immovable properties are not sometimes adjourned even if an appreciable portion of the decree-debt

LIBRARY ARCHIVES Kerala Legislative Assembly

is paid into court, (2) the time granted for payment of decree-debt is often too short and (3) day-costs are awarded by courts as a matter of course and the amounts so allowed often weigh heavy upon decree-debtors.

Under the Civil Procedure Code, executing courts have very wide powers of discretion and the above mentioned grievances are such as could be remedied by a proper and judicious exercise of those powers. Courts of Law exist for administering real justice and the present economic depression is an element which the courts could and should take into account in exercising such discretion. A perusal of the proceedings of the Legislative Council regarding this matter will give an idea of the nature of the grievances of the litigant public. The Chief Court expects the subordinate judiciary to minimise the grievances as far as possible, confining themselves within the limits of law."

Mr. C. V. Iyyu *(Kunnamkulam):* It is true. That is about paying a substantial portion of the decree-debt.

Mr. M. Sivarama Menon *(Advocate-General):* No such circular has been issued.

Mr. C. V. Iyyu *(Kunnamkulam):* Will the Government be pleased to give advice to the High Court to issue such a circular?

Mr. V. J. Mathai *(Planters):* Is it proper for the Government to issue a circular to the High Court?

Mr. M. Sivarama Menon *(Advocate-General):* The Civil Procedure Code contains ample provisions. The courts have got discretion when *bona fide* applications are made. The moment 6 per cent interest is paid, sales will be adjourned—no such instruction can be issued.

Mr. K. M. Ibrahim *(Cranganur):* Even in the case of the previous circular, was not some suggestion initiated by the Government? There is nothing radically wrong in that.

Mr. M. Sivarama Menon *(Advocate-General):* The High Court by virtue of the powers vested in them advise the subordinate courts in such a way that no hardship is caused to the parties. It is not a case where Government can interfere and direct the High Court to do a particular thing.

Mr. K. M. Ibrahim *(Cranganur):* Was there not an instance where the proceedings of the Legislative Council were sought to be placed before the High Court?

Mr. M. Sivarama Menon *(Advocate-General):* That is only demi-officially placed before the High Court. Three circulars were issued, one in 1109, another later on and the third in 1112 and in the Budget Session, there was wide-spread complaints from the hon'ble members in order to advise the subordinate courts.

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* Are those circulars in force at present?

Mr. V. J. Mathai *(Planters):* May I point out the inadvisability of advising the High Court in the administration of law?

Mr. M. Sivarama Menon *(Advocate-General):* Government have not advised.

Mr. K. M. Ibrahim *(Cranganur):* Will the Hon'ble Member for Law kindly inform the assurance contained in (e) 367 referred to by the Hon'ble Member in question 19 which also deals with it?

Mr. President: We have not reached that stage.

Mr. K. M. Ibrahim *(Cranganur):* The subject is the same. The reference is the same as in the previous question.

Mr. President: I think it will be more appropriate to discuss that when we call Question No. 19.

Mr. A. B. Salem *(Mattancheri):* The Advocate-General read 18 (*b*) and says that no such instructions are necessary in view of the existing powers. Does it connote that it is necessary to give instructions.

Mr. M. Sivarama Menon *(Advocate-General):* Even now the courts possess ample powers.

Mr. A. B. Salem *(Mattancheri):* Can instructions be given to the High Court?

Mr. M. Sivarama Menon *(Advocate-General):* Government cannot give instructions to the High Court.

Mr. K. M. Ibrahim *(Cranganur):* Has any instance been brought to the kind notice of the Government that occasionally lands of indebted agriculturists are being sold even without the sale proclamation having come to the notice of the judgment-debtor?

Mr. M. Sivarama Menon *(Advocate-General):* Government have no information.

Mr. C. R. Iyyunni *(Trichur-South):* May I know, Sir, the suggestion contained in Question 18, that is, 6 per cent interest of the total decree amount is paid from time to time, the decree-debts will not be certainly cleared, *ad infinitem*, the decree-holder will get only 6 per cent?

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. M. Sivarama Menon *(Advocate-General):* Government fully realise that, and the courts have fixed a certain period giving time to the judgment-debtor. Individual cases will be considered on the merits of each case. It is a matter of discretion to the court. If the judgment-debtor pays a pittance, the courts are generally inclined to grant adjournments.

Mr. C. V. Iyyu *(Kunnamkulam):* This also comes within the purview of the discretion.

Mr. V. J. Mathai *(Planters):* Is not the Code of Civil Procedure exhaustive on that?

Mr. K. M. Ibrahim *(Cranganur):* Will the Hon'ble Member for Law kindly inform the House whether a resolution has not been passed by this House to proclaim moratorium until the conditions of the agriculturists are improved?

Mr. President: It does not arise.

Mr. C. R. Iyyunni *(Trichur-South):* Will the Hon'ble Member for Law kindly inform the House the answer to Question 367 (*e*)?

Mr. M. Sivarama Menon *(Advocate-General):* The answer to the question is "Nil."

19. **Mr. C. V. Iyyu** *(Kunnamkulam):* With reference to the reply given to question No. 367 (*e*) on 29th May 1942, on the floor of the Legislative Council will Government be pleased to inform whether they will be pleased to issue instructions to courts to adjourn court sales and other execution steps if the decree-debtor deposits or cause to be deposited in cash or in advance interest on the decree amount at 6 per cent interest for the period for which the execution steps, etc., are adjourned in view of the economic situation?

Mr. M. Sivarama Menon *(Advocate-General):* The member is referred to the answer to sub-division (*b*) of question No. 18.

CIVIC GUARDS—EXPENDITURE—PARTICULARS OF

20. **Mr. A. Eachara Menon** *(Chittur-Rural):* Will Government be pleased to state.—

(*a*) what is the amount Government have spent till now on the civic guards;

(*b*) what will be the recurring expenditure for the same per mensem?

Khan Sahib Y. Muhammad Roshan Sahib Bahadur *(Commissioner of Police):*

(*a*) Rs. 28,975—1—0 (till 10—7—1942).

(*b*) About Rs. 5,750.

Mr. C. V. Iyyu *(Kunnamkulam):* May I know, Sir, what is the period for which this amount of 28 thousand and odd was spent?

Khan Sahib Y. Muhammad Roshan Sahib Bahadur *(Commissioner of Police):* From the date of the organisation up to 10th July 1942. The organisation was started in 1940.

Mr. C. R. Iyyunni *(Trichur-South):* That is for a period of an year and a half? It is stated that so far as recurring expenditure is concerned it is 5,000 and odd. What is the period?

Khan Sahib Y. Muhammad Roshan Sahib Bahadur *(Commissioner of Police):* It is recurring annually.

Mr. M. L. Joseph *(Latin-Christians-Cranganur):* May I know, Sir, whether it is a fact that these special guards are not being paid the promised allowance regularly?

Khan Sahib Y. Muhammad Roshan Sahib Bahadur *(Commissioner of Police):* No. Last month, there has been some delay.

Mr. C. R. Iyyunni *(Trichur-South):* Is the recurring expenditure per year or per month?

Mr. President: It is per month.

GENERAL DISCUSSION ON THE BUDGET—*(cont.)*

Mr. A. B. Salem *(Mattancheri):* Sir, before I go into the budget proper, I think it is necessary that in a general discussion in the House we should take a large view of all questions relating to Cochin's position in the world. I would therefore say that the little remarks that I make will be divided into five heads. The first is *Cochin on the map.* Cochin on the map has been of late looming large, because of the harbour, the port and because it has now been made the gateway of India with a bridge with the mainland connecting even the coasts on the other side of the backwater and has become an important target for agression in this war. It is the biggest transmitting centre for supplies. You have the military naval and air force here, with railway stations and traffic of great and expanding activities of sea-borne and inland water-borne trade. It is also one of the outlets and a commercial distributing centre and has therefore become an all important and a vitally important piece of territory for the operation of the Allies who are fighting this war.

Now, I come to the war. The entire resources of our State have been offered on the date of the installation of His Highness the Maharaja and placed at the disposal of His Majesty the King Emperor. His Highness said, "My entire resources are placed at the disposal of Great Britain

LIBRARY ARCHIVES Kerala Legislative Assembly